



# STATE OF NEVADA

Department of Conservation & Natural Resources

DIVISION OF ENVIRONMENTAL PROTECTION

*Kenny C. Guinn, Governor*

*Allen Biaggi, Director*

*Leo M. Drozdoff, P.E., Administrator*

**October 16, 2006**

**NOTICE OF FINAL DECISION  
RECLAMATION PERMIT NO. 0260  
Newmont Mining Corporation  
Copper Canyon Mine**

The Nevada Division of Environmental Protection (NDEP) has decided to issue Reclamation Permit, No. 0260, for a Mining Project to Newmont Mining Corporation. This permit authorizes Newmont Mining Corporation to reclaim the Copper Canyon Mine. This Project is located in Lander County, Nevada. The Division has been provided with an application, in accordance with Nevada Revised Statute (NRS) and Nevada Administrative Code (NAC) 519A to assure the Division that Newmont Mining Corporation will leave the project site safe, stable, and capable of providing for a productive post-mining land use.

This permit will become final October 27, 2006. The final determination of the Administrator may be appealed to the State Environmental Commission pursuant to NAC 519A.415. The appeal must be filed by October 26, 2006 and in accordance with Administrative rules of the Environmental Commission.

The following comments were received in a letter from Nevada Division of Wildlife dated September 28, 2006.

NDOW Comment 1: The key to providing benefits to wildlife from reclamation is in developing a suitable vegetative community on the reclaimed disturbance. The Copper Canyon Mine Site will require additional efforts by Newmont due to the acid generation characteristics of the historic mine dumps. Protection of the vegetative covers designed to control flux of meteoric water into the waste rock will be paramount to ensuring the waters of the state are not contaminated. The Bureau of Land Management and Newmont must ensure these covers are not compromised by post mining land management practices.

BMRR Response: The Copper Canyon Mine site is essentially the existing disturbance of the historic Battle Mountain Gold Complex. The Copper Canyon project area is also the site of the on-going Phoenix Project. Throughout the life of the Phoenix Project, existing Copper Canyon disturbance will be consumed by the Phoenix project. Newmont in the approved Phoenix Project Plan of Operations/Reclamation Plan commits to placement of 5 feet of suitable cover material over all waste rock dumps associated with the project. The reclamation cost estimate reflects this cover placement in the calculations regarding waste rock facility reclamation. The regulations state that a proposed post-mining land use must be approved by the Federal land manager on land subject to their jurisdiction or the owner of record of the land. The BLM has approved the reclamation plan and the proposed post-mining land use.

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NDOW Comment 2: The reclamation seed mix selected by Newmont should contain a diversity of shrub, forb and grass species necessary to create a post mine site that will be suitable for the wildlife resources in the vicinity.

BMRR Response: NAC 519A.330(1)(a) requires that an operator select and establish species of plants that will result in vegetation productivity comparable to that growing on the affected lands before commencement of the exploration project or mining operation, which is required by the manager of the land or which is consistent with the post-mining use of the land.

NDOW Comment 3: Efforts to salvage as much topsoil as possible should be encouraged. Having topsoil on the reclamation site greatly enhances the opportunity for revegetation success. Seedbed preparation is very important to the success of the reclamation effort. The Copper Canyon Reclamation Plan should include provisions to contour the mining disturbance to the natural slope of the surrounding terrain. This will provide a location for vegetation establishment that will be comparable to the surrounding vegetative community and provide good cover and forage for wildlife on the reclaimed disturbance.

BMRR Response: Comment noted.

#### **NAC 519A.415 Appeals to commission.**

1. Any person aggrieved by:
  - (a) The issuance, denial, renewal, suspension, modification, condition or revocation of a permit; or
  - (b) The issuance, modification or rescission of any other order,by the state department of conservation and natural resources may appeal to the commission.
2. Any person who requests a hearing before the commission concerning a final decision of the department pursuant to chapter 519A of NRS may do so by filing a request, within 10 days after notice of the action of the department, on form 3\* with the State Environmental Commission, 901 S. Stewart St. Ste. 4001, Carson City, Nevada 89701.
3. The provisions of NAC 445B.875 to 445B.899, inclusive, apply to a hearing of the state environmental commission requested pursuant to subsection 1.
4. The commission will affirm, modify or reverse any action of the department, which is appealed to it.

\*(See adopting agency for form.)

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